

KAZAN, McCLAIN, EDISES, ABRAMS,
FERNANDEZ, LYONS & FARRISE

► About The Firm

Since its founding in 1974, Kazan, McClain, Edises, Abrams, Fernandez, Lyons & Farrise, A Professional Law Corporation, has represented many hundreds of people with cancer, especially people suffering from mesothelioma, a cancer whose only known cause is exposure to asbestos. The principals in this law firm are among the pioneers in asbestos litigation.

The Firm has a nationwide practice and reputation in asbestos litigation. We have represented clients across the United States, and in Canada, Mexico and the United Kingdom.

We were lead counsel for a group of objectors in the Georgine (CCR) class action, and our briefs helped persuade the U.S. Supreme Court to reject that settlement. We have served on asbestos disease victims creditors' committees in the bankruptcy reorganizations of major asbestos companies, including Johns-Manville, Celotex, Carey Canada, Amatek and H.K. Porter. We were class counsel for plaintiffs in the Fibreboard Global Settlement Litigation, which was an attempt to resolve the dispute between Fibreboard, its insurers, and many thousands of asbestos litigation claimants. The settlement, however, was disallowed by the Supreme Court.

Our firm's practice is limited to cases involving catastrophic injury and death, in particular from exposure to asbestos and other toxic substances.

We pursue products liability, premises liability, negligence and punitive damage causes of action in third party civil cases. We also represent our civil litigation clients in workers' compensation claims, when appropriate.

Our attorneys have been instrumental in winning precedent-setting rulings by the California Appellate and Supreme Courts, such as *Buttram*, *Sullivan*, *Force*, *Steele* and *Rudkin*. All of the principals and many of the associates have extensive trial experience.

The Firm is consulted by and gives advice to over a thousand potential clients each year. Over the years, we have filed over two thousand cases and we now file, on average, one new lawsuit a week.

Our staff of over one hundred employees, including 20 attorneys, work on this limited number of new cases each year, allowing The Firm to provide quality representation to every client.

We are large enough to have extensive resources and many years of experience, yet small enough to ensure that every client receives individual and outstanding representation. Each case is individually developed and handled by a small team of attorneys, paralegals and investigators. This team also has the resources of the entire office to draw upon, including professional investigators and extensive databases.

While many law firms employ expensive jury consultants for the jury selection process that is so critical to success at trial, The Firm's trial team includes our own in-house jury selection expert who also serves as trial paralegal during the trial of complex cases.

Our representation of clients has two important goals. The first is to go as far as possible within the limits of the legal system to redress the wrong done to each of our clients. The second is to have a broader impact: to improve the work-place through public education about occupational health and safety, and through legislative advocacy. We do this in our litigation, by supporting our non-profit Foundation, and by our active participation in WORKSAFE, a statewide coalition that supports occupational safety and health.

The Firm frequently provides counsel to the Asbestos Victims of America (AVA) when it acts as "friend of the Court" (*amicus*) in appellate cases. This relationship grew out of The Firm's representation of Jim Vermeulen, AVA's founder. Mr. Vermeulen, a Johns-Manville employee, became an activist for asbestos victims and was the only non-lawyer representative on the Manville Asbestos Victims Creditors' Committee, where The Firm was his personal counsel.

The Firm also maintains an active *pro bono* practice (that is, we work for free) on behalf of labor organizations and public interest groups, and our attorneys are active in and on the boards of many organizations, including

Consumer Attorneys of California, the Alameda-Contra Costa Trial Lawyers Association, the Charles Houston Bar Association, Cal/OSHA's Advisory Committee, the National Lawyers Guild, Santa Clara County Committee on Occupational Safety and Health, the AFL-CIO Lawyers Coordinating Committee, the Labor and Employment Law Section of the State Bar of California, Women Lawyers of Alameda County, Trial Lawyers for Public Justice, and the Association of Trial Lawyers of America.

For twenty-five years, The Firm has been successful on behalf of thousands of clients. We have the ability to advance the cases of ill clients quickly through the labyrinthine legal and judicial process, towards early trial or settlement. The Firm first obtained six figure settlements for asbestos victims in the 1970s, and began to obtain verdicts and settlements of over \$1 million in the early 1980s. [Click here to obtain more information about some of The Firm's significant trial verdicts and appellate decisions.](#)

If you have any questions about The Firm, our attorneys, filing a lawsuit, asbestos litigation, what typically happens in an asbestos lawsuit, or our other practice areas, please contact us or explore our website. You might also want to see some of the [feedback](#) that we have received about our work and web site.

What are asbestos diseases?

There are several different kinds of diseases that are related to previous exposure to asbestos fibers, and they can be categorized in various ways:

Some are malignant (or cancerous), such as mesothelioma and lung cancer. Others are benign (non-malignant or non-cancerous), such as asbestosis, pleural plaques, diffuse pleural fibrosis, and benign pleural effusions.

Some are increasingly and severely disabling, often leading to death, like mesothelioma, asbestosis and lung cancer; and others are less so, such as pleural plaques and thickening, which rarely produce symptoms or disability.

Some are very clearly and directly attributable to exposure to asbestos, such as asbestosis and mesothelioma. For others, such as gastro-intestinal tract cancers, the causal connection to asbestos exposure is one that appears probable but has not yet been proven with certainty.

The diseases for which asbestos exposure is a generally accepted cause are mesothelioma, asbestosis, small airway fibrosis, scarring, pleural plaques, pleural fibrosis, pleural effusion, and many lung cancers. Diseases for which asbestos exposure is not at this time generally accepted as the cause, include cancers of the kidney, GI tract and ovary.

Each of these asbestos-related diseases can only be diagnosed through medical examinations and tests. If you were exposed to asbestos it does not mean that you therefore must have, or will have, an asbestos-caused disease. But it does mean that you should:

- be vigilant about your health,
- receive regular medical care and check-ups, and
- tell your doctor about your asbestos exposure.

Asbestosis

Asbestosis is, as its name suggests, caused by inhalation of asbestos fibers. It is not a cancerous lung disease.

The underlying disease process of asbestosis is not yet fully understood, but it appears that asbestos fibers in the lungs cause irritation and inflammation. The body attempts to neutralize these foreign fibers in various complex ways, and some or all of these processes lead to further inflammation and cell damage. Eventually a fibrosis or scar tissue develops in the interstitial spaces around the small airways and alveoli. This thickening and scarring prevents oxygen and carbon dioxide from traveling between the alveoli and the blood cells, so breathing becomes much less efficient.

Asbestosis often exists without any symptoms, and is then detected only by x-ray findings. However, the symptoms of asbestosis typically include shortness of breath and coughing. As the disease progresses, the symptoms can worsen. It can be a progressive disease, meaning that it continues to progress even after exposure to asbestos has stopped. In unusual cases it can be fatal.

The scarring and thickening can be seen on x-rays and CT scans. Also, if it reduces the functioning of the lungs, asbestosis can be detected by a breathing or pulmonary function test (PFT.)

Diagnosis can be made only when there is a history of asbestos exposure and positive results from a clinical exam, chest x-rays, CT scans, and/or a pulmonary function test (PFT.) It can also be conclusively identified through a biopsy; click on [A](#), [B](#) and [C](#) to see three microscopic slides of asbestos fibers lodged in the lungs.

Asbestosis affects both lungs (it is bilateral) and, although it is mainly in the lower fields of the lungs, it is usually widespread (diffuse.)

Serious asbestosis is usually caused by heavy exposure to asbestos, such as sustained exposure over a period of years (e.g. a longtime worker at an asbestos textile plant) and/or intense exposure during a shorter period (e.g. a worker in the boiler and engine rooms of ships under construction in the Second World War.)

This does not mean that everyone who was heavily exposed to asbestos gets asbestosis, only that everyone who gets asbestosis was exposed to large quantities of asbestos fibers.

The specific type of asbestos fiber to which the worker was exposed does not seem to be significant in the development of asbestosis.

At the moment there is no cure or effective treatment for asbestosis. People with asbestosis are also at high risk of developing lung cancer or mesothelioma.

For more information on the web about asbestosis and treatments, go to:

- [University of Creighton School of Medicine](#)
- [University of Iowa Hospitals](#)

Lung cancer

Lung cancer refers to any type of malignant tumor that originates in the lung itself (unlike mesothelioma, which is in the pleural lining around the lung.)

Some lung cancers are caused by asbestos exposure, but the nature of this relationship is not yet fully understood. What is certain is that the risk of developing lung cancer is much greater for those with significant occupational exposure to asbestos, as compared to the general population who have background exposure. Also, the greater the exposure, the greater the risk.

There is also a long incubation (latency) period between asbestos exposure and the development of lung cancer. In fact, incidence of cancer appears to peak as long as thirty years after first exposure.

Adding to the complexity of understanding the relationship between lung cancer and asbestos exposure is the issue of smoking. There is a synergistic relationship between asbestos exposure and smoking. What this means is that although workers who have been exposed to asbestos have a higher risk of developing lung cancer, it is also well known that smokers have a higher risk of developing lung cancer; but the cancer risk of workers who were exposed to asbestos and who smoked is not simply the sum of these two separate risks. Rather, these risks are multiplied. The combined cancer risk is therefore very much higher - as high as 50 to 90 times the risk faced by the general population.

The most important conclusion to be drawn from this, for anyone who has been exposed to asbestos and who smokes, is to quit smoking now.

For more information on this topic available on the web, go to:

- [University of Pennsylvania/OncoLink](#)
- [American Cancer Society](#)
- [The Daily Apple](#)
- [Medicine Online](#)
- [Lung Cancer Online](#)

Other asbestos-related diseases

The causal connection between exposure to asbestos fibers and development of gastro-intestinal tract cancers appears probable, but has not yet been proven with certainty. The diseases for which asbestos exposure is a generally accepted cause, are mesothelioma, asbestosis, small airway fibrosis, pleural plaques, pleural fibrosis, pleural effusions, and many lung cancers in association with asbestosis.

At this time asbestos exposure is not generally accepted as the cause of cancers of the pancreas, kidney, stomach, colon, esophagus or ovary.

Benign pleural diseases

There is much confusion about the different types of benign (or non-cancerous) pleural diseases, mainly because different researchers and doctors use different words to describe the same things, or the same words to describe different things.

This is a discussion about pleural diseases that are related to asbestos exposure, are not malignant (like mesothelioma), and exist only in the pleura. They can be divided into three groups: plaques, thickening, and effusions.

Pleural *plaques* are small, hard, plate-like surfaces on the pleura, similar to arteriosclerosis in coronary arteries. They are caused by asbestos fibers that invade the pleura from the lungs. Medical researchers do not fully understand the underlying processes of why asbestos fibers cause plaques to develop.

Plaques rarely make breathing difficult and by themselves are seldom disabling. Rather, they are "markers" that indicate previous exposure to asbestos: they can help to confirm the cause of other diseases that might otherwise not be understood to be asbestos-related. However, a person who has plaques should be vigilant about his or her health. He or she may be at higher risk for developing other asbestos-related diseases and should therefore advise his or her doctor about this asbestos exposure.

Pleural *thickening* is a diffuse fibrosis in the pleura. Asbestos fibers that move from the lung to the pleura cause the pleura to thicken and a widespread fibrosis can develop. Researchers do not understand the underlying processes by which asbestos fibers cause fibrosis.

This thickening can restrict the lungs' ability to expand and contract, and therefore make breathing difficult. Like plaques, thickening is evidence of exposure to asbestos and it places people at higher risk of developing other more serious chest diseases.

An asbestos-related benign pleural *effusion* refers to a build-up of fluid in the pleural space of a person who was exposed to asbestos and who does not have any other disease that might cause a pleural effusion (such as mesothelioma.) Some effusions cause chest pains, but many do not cause any symptoms. This type of benign pleural effusion is treatable, and it should also alert the person to be especially vigilant about his or her respiratory health.

Most people with pleural plaques, effusions and/or thickening do not have any symptoms. They can be diagnosed using chest x-rays and CT scans.

Peritoneal mesothelioma

Many of the organs in the abdomen are enveloped by a thin membrane of mesothelial cells, known as the peritoneum.

Peritoneal mesothelioma is a tumor of this membrane. Its only known cause in the U.S. is previous exposure to asbestos, but it can be many years after exposure before the disease appears. Peritoneal mesotheliomas account for about one-fifth of all mesotheliomas.

Like pleural mesothelioma, peritoneal mesothelioma can be either benign or malignant. This discussion is only about malignant peritoneal mesothelioma.

Mesothelioma is sometimes diagnosed by coincidence, before any symptoms have appeared. For example, the tumor is sometimes seen on a routine abdominal x-ray for a check-up or before surgery.

When the symptoms of peritoneal mesothelioma appear, they typically include abdominal pains, weakness, weight loss, loss of appetite, nausea, and abdominal swelling. Fluid often accumulates in the peritoneal space, a condition known as ascites. Over time the wasting symptoms can become more and more severe.

The growing tumor can exert increasing pressure on the organs in the abdomen, leading to bowel obstruction and distention. If the tumor presses upward, it can impair breathing capacity. If the tumor pushes against areas with many nerve fibers, and the bowel distends, the amount of pain can increase.

X-rays and CT scans are, typically, the first step towards detecting peritoneal mesothelioma. The actual diagnosis is typically achieved by obtaining a piece of tissue. The medical procedure of looking at the peritoneum is known as a peritoneoscopy. It is a hospital procedure and requires anesthesia. If an abnormality is seen, the doctor will attempt to obtain a tissue sample - this is known as a biopsy. The tissue sample will be examined by a pathologist who makes a diagnosis using microscopic analysis of specialized stains.

There are at least two explanations for how asbestos fibers can get into the peritoneum. The first is that fibers caught by the mucus of the trachea and bronchi end up being swallowed. Some of them lodge in the intestinal tract and from there they can move through the intestinal wall into the peritoneum. The second explanation is that fibers that lodge in the lungs can move into the lymphatic system and be transported to the peritoneum.

Medical science does not know exactly how or why, at a cellular level, a carcinogen like asbestos causes a cell to become malignant (cancerous.) Thus it is not known whether only one fiber can cause a tumor to develop or whether it takes many fibers, or what the exact conditions and predispositions are for this change to happen.

At this time there are treatments, but no known cure, for peritoneal mesothelioma. The prognosis depends on various factors, including the size and stage of the tumor, its extent, the cell type, and whether or not the tumor responds to treatment.

However, the options for relief and treatment of people with peritoneal mesothelioma have improved, especially for those whose cancer is diagnosed early and treated vigorously. Many people receive a combination of therapies, sometimes known as multimodal therapy. Specific types of treatment include:

- chemotherapy and other drug-based therapies
- radiation therapy
- and surgery.

There are also clinical trials and various experimental treatments like gene therapy and immunotherapy, and antiangiogenesis drugs. For more information about peritoneal mesothelioma and treatments, please explore this web site or visit:

- National Cancer Institute

Other Mesotheliomas

While the great majority of mesotheliomas are in either the pleura or the peritoneum, malignant mesotheliomas sometimes occur in other parts of the body, including the testicles (a variety of peritoneal mesothelioma) and the heart (a variety of pleural mesothelioma.) These are also caused by exposure to asbestos fibers.

Benign mesotheliomas occur less frequently than malignant mesotheliomas. They are generally thought to be unrelated to asbestos exposure. Two thirds of benign mesotheliomas occur in females. (Kittle: Mesothelioma Diagnosis and Management, Year Book Medical Publishers, 1987)

Unfortunately, cystic benign mesotheliomas have a high incidence of local recurrence. (Katsube: Cystic Mesothelioma of the Peritoneum; Cancer 1982, 50:1615; Moore: Benign Cystic Mesothelioma; Cancer 1980, 45:2395) A July 1998 article by G.S. Letterie in the journal "Gynecology and Obstetrics" describes therapy with anti-estrogen tamoxifen as a non-surgical option for cases of symptomatic recurrent cystic mesotheliomas.